

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Donald W. Landry
U.S. Serial No.: Not Yet Known
Filed : August 28, 2001 (continuation of U.S.
Serial No. 09/214,095,
filed December 28, 1998)
For : ANTI-COCAINE CATALYTIC ANTIBODY

1185 Avenue of the Americas
New York, New York 10036
August 28, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Box: Patent Applications

SIR:

PRELIMINARY AMENDMENT

Please amend the subject application as follows:

In the specification:

On page 1, line 1, after the Title and before section entitled
"Background of Invention" please insert the following paragraph:

--This application is a continuation of U.S. Serial No.
09/214,095, filed December 28, 1998, which is a national stage
application filed under 35 U.S.C. §371 of PCT International
Application No. PCT/US97/10965, filed June 25, 1997, which
claims priority of and is a continuation-in-part of U.S.
Serial No. 08/672,345, filed June 25, 1996, now U.S. Patent
5,948,658, issued September 7, 1999, the contents of which are
hereby incorporated by reference into this application.--

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In the claims:

Please cancel claims 2-20 and 22-40 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in a later-filed application. Please also amend claims 41-48 under the provisions of 37 C.F.R. § 1.121(c) as follows. A marked up version of amended claim 41-48 wherein the deleted material is in brackets and the inserted material is underlined is attached hereto as Exhibit A:

- 41. (Amended) A nucleic acid which encodes the catalytic antibody of claim 1.--
- 42. (Amended) A nucleic acid which encodes the polypeptide of claim 21.--
- 43. (Amended) The catalytic antibody of claim 1, wherein the catalytic antibody is humanized.--
- 44. (Amended) The polypeptide of claim 21, wherein the polypeptide is humanized.--
- 45. (Amended) A pharmaceutical composition for decreasing the concentration of cocaine in a subject which comprises an amount of the antibody of claim 1 effective to degrade cocaine in the subject and a pharmaceutically acceptable carrier.--
- 46. (Amended) A method of decreasing the concentration of cocaine in a subject which comprises administering to the

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subject an amount of an the antibody of claim 1 effective to degrade cocaine in the subject, so as to thereby decrease the concentration of cocaine in the subject.--

--47. (Amended) A pharmaceutical composition for treating cocaine overdose in a subject which comprises an amount of the antibody of claim 1 effective to degrade cocaine in the subject and a pharmaceutical acceptable carrier.--

--48. (Amended) A method for treating cocaine overdose in a subject which comprises administering to the subject an amount of the antibody of claim 1 effective to degrade cocaine, so as to thereby treat cocaine overdose in the subject.--

In the abstract:

Please add new page 116 containing the abstract of the disclosure, attached hereto as **Exhibit B**.

Remarks:

Claims 1-48 are pending in the subject application. Applicants have herein canceled claims 2-20 and 22-40 without disclaimer or prejudice to their right to pursue the subject matter of these claims in a later-filed application. Applicants have also herein amended claims 41-48. Support for these amendments may be found inter alia in the specification on page 8, line 8-25. Applicants have also added new page 116 containing the abstract attached hereto as Exhibit B. This amendment does not involve any issue of new matter. Therefore, entry of this amendment is respectfully

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requested such that claims 1, 21 and 41-48 will be pending.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone either of them at the number provided below.

No fee, other than the enclosed \$710.00 filing fee, is deemed necessary in connection with the filing of this Preliminary Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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Exhibit A

- 41. (Amended) A [DNA encoding] nucleic acid which encodes the catalytic antibody of [any one of] claim 1[-20].--
- 42. (Amended) A [DNA encoding] nucleic acid which encodes the polypeptide of [any one of] claim 21[-40].--
- 43. (Amended) [A] The catalytic antibody of claim 1, wherein the catalytic antibody is humanized [catalytic antibody of any one of claim 1-20].--
- 44. (Amended) [A] The polypeptide of claim 21, wherein the polypeptide is humanized [catalytic single chain antibody of any one of claim 21-40].--
- 45. (Amended) A pharmaceutical composition for decreasing the concentration of cocaine in a subject which comprises an amount of the antibody of [any one of] claim 1[-40] effective to degrade cocaine in the subject and a pharmaceutically acceptable carrier.--
- 46. (Amended) A method of decreasing the concentration of cocaine in a subject which comprises administering to the subject an amount of an the antibody of [any one of] claim 1[-40] effective to degrade cocaine in the subject, so as to thereby decrease the concentration of cocaine in the subject.--
- 47. (Amended) A pharmaceutical composition for treating cocaine overdose in a subject which comprises an amount

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of the antibody of [any one of] claim 1[-40] effective to degrade cocaine in the subject and a pharmaceutical acceptable carrier.--

--48. (Amended) A method for treating cocaine overdose in a subject which comprises administering to the subject an amount of the antibody of [any one of] claim 1[-40] effective to degrade cocaine [in a subject and reduce cocaine overdose in the subject] , so as to thereby treat cocaine overdose in the subject.--

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